

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(113+292)

**CR-6103-2022 (O&M)
Date of Decision: 17.07.2023**

Harnam Singh (since deceased) through his LRs.Petitioners

Versus

The State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arav Gupta, Advocate, for the petitioner.

Mr. Shivendra Swaroop, DAG, Haryana.

Mr. Ranvir Sood, Advocate, for the University.

HARKESH MANUJA, J.(ORAL)

CM No.9738-CII of 2023

This is an application for placing on record amended memo of parties in view of the order dated 11.05.2023.

Application is allowed subject to all just exceptions. Amended memo of parties filed alongwith the application is taken on record. Be tagged at appropriate place.

CR-6103-2022 (O&M)

1. Present revision petition has been filed impugning an order dated 09.08.2019 passed by the Executing Court whereby, the execution filed at the instance of petitioner/land owner was dismissed as regards the benefit of severance.

2. Acknowledging the fact that petitioners/land-owners were awarded the benefit of severance by the Reference Court vide award dated 27.02.1985 which was upheld even in RFA No.914 of 1985 vide judgment dated 26.05.1988 and was never upset in the subsequent proceedings as no

further appeal was filed at the instance of respondents, the learned State counsel has not been able to support the impugned orders.

3. During the course of previous hearing, learned counsel for the petitioners provided a rough calculation of the amount due to the learned counsel representing respondents. Today, four separate drafts of Rs.18,604/- have been brought in the name of all the four petitioners separately which have been handed over in Court to Mr. Arav Gupta, Advocate, representing them who still raises an issue of interest thereupon.

4. In view of the factum of Award of benefit of severance in favour of petitioners/land owners having been acknowledged by the respondents in the wake of specific findings recorded in the Award dated 27.02.1985 (Annexure P-2) by the Reference Court, the order dated 09.08.2019 passed by the Executing Court-cum-Additional District Judge, Kurukshetra, in total ignorance thereof is hereby set aside and the petitioners are relegated to the Executing Court so as to file their execution applications as regards the remaining dues including interest, if any, which shall be decided on merits upon notice to the respondents. It is made clear that amount of Rs. 74416/- regarding which four separate drafts have been handed over to the counsel representing the petitioner shall be subject to adjustment.

5. In view of the aforesaid terms, the present revision petition is disposed of.

6. Pending applications, if any, shall remain disposed of.

(HARKESH MANUJA)
JUDGE

17.07.2023
anil

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No